

REMARKS

Claims 1-29 were submitted for examination. In this Final Office Action, Claims 1-21, 26-27 and 29 are rejected under 35 USC 103(a) as being anticipated by US Patent No. 5,862,270 to Lopresti et al (hereinafter "Lopresti"), or/and in view of US Patent No. : 3,632,995 to Wilson (hereinafter "Wilson"), US Patent Publication No.: 20030009725 to Reichenbach (hereinafter "Reichenbach"), US Patent No. 5,329,105 to Klancnik et al (hereinafter "Klancnik"), or US Patent No. 5,612,524 to Sant'Anselmo et al (hereinafter "Sant'Anselmo"), and US Patent No. 5,477,042 to Wang (hereinafter "Wang") Claims 16-21 and 26-27 are rejected under 35 USC 103(a) as being unpatentable, Claim 28 is objected to but would be allowable if written in independent form including all of the limitations of the base claim and any intervening claims, and claims 22-25 are allowed.

The Examiner is appreciated for thoughtful comments and indication of allowing certain claims. In the foregoing amendments, Claims 1, 16 and 26 have been again amended to further distinguish from the newly cited references. No new matters have been introduced. As a result of the amendment, Claims 1-29 are pending. Further consideration of the rejections is respectfully requested in view of the amendments and the following remarks.

As amended, Claim 1 now recites:

...

providing a top border and a bottom border, a left border and a right border circumscribing the data segments such that the 2D symbol is so created, wherein the top boarder includes at least one start code pattern and only one terminator code pattern along a line, both the start code pattern and the terminator code pattern include alternating light and dark bars in accordance with a predefined rule, and the start code pattern is repeated enough times as necessary to accommodate all of the data segments.

(Emphasis added)

On page 4, 2nd paragraph of the Office Action, the Examiner agrees that Lopresti is silent with respect to the top boarder including as least one start pattern and only one terminator code pattern. Wilson is the cited to show the teaching of the feature. The Applicant wishes to refer the Examiner to FIG. 1 of Wilson, where the so-called start bar 60 and end bar 58 are respectively on two different lines, while Claim 1 of the instant application recites "...at least one start code pattern and only one terminator code pattern along a line...". Further the start bar and the end bar are of a solid color while Claim 1 of the instant application recites "...both the start code pattern and the terminator code pattern include alternating light and dark bars in accordance with a predefined rule...".

These emphasized features are also shown in FIG. 4 or FIG. 5 of the instant application, the top board 410 or 510 includes black and white bars, these bars are formed in accordance with a pre-defined start code pattern and a pre-defined end code pattern. Specifically, there are two repeated start code patterns and one end shown code pattern in each of the top board in FIG. 4 or FIG. 5. Accordingly, the Applicant respectfully submits that independent Claim 1 shall be allowable over Lopresti in view of Wilson. The Examiner is respectfully requested to reconsider Claims 1-15.

Both Claims 16 and 26 are also amended to include similar features recited in Claim 1. Applicants wish to use the above arguments to support Claims 16 and 26. Accordingly, Applicants respectfully submit that independent Claim 16 and 26, as amended, shall be allowable over the cited references, viewed alone or in combination. The Examiner is respectfully requested to reconsider Claims 16-21 and 26-29.

In view of the above amendments and remarks, the Applicants believe that Claims 1-29 shall be in condition for allowance over the cited references. Early and favorable action is being respectfully solicited.

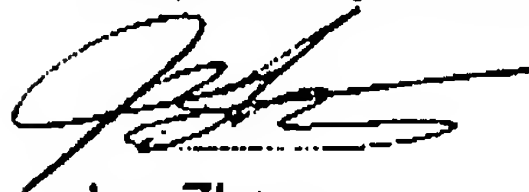
If there are any issues remaining which the Examiner believes could be resolved through either a Supplementary Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at (408)777-8873.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner of Patents and Trademarks, Alexandria, VA 22313-1450", on December 11, 2005.
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Signature: 

Respectfully submitted;



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